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(54) Title: PREPARATION OF O-(2-HYDROXYALKYL) OXIMES

$$C = N - O - CH_2 - CH - OH$$
 (I)

(57) Abstract

Preparation of O-(2-hydroxyalkyl) oximes of formula (I), (R<sup>1</sup> and R<sup>2</sup> are alkyl or R<sup>1</sup> and R<sup>2</sup> and the common C atom are 5-membered to 7-membered cycloalkyl; R3 is alkyl) by causing a ketoxime II to react with an olefin oxide III in the presence of a tertiary amine or with a carbonate IV in the presence of a catalyst. The end products (I) are suitable for use as intermediates for crop protection agents.



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ΙP	C	6	C07C249	9/12	C07C251/54

According to International Patent Classification (IPC) or to both national classification and IPC

#### **B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols) IPC 6 CO7C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
<b>X</b>	CHEMICAL ABSTRACTS, vol. 68, no. 11, 11 March 1968, Columbus, Ohio, US; abstract no. 49175, J. WOLF ET AL. page 4747; cited in the application see abstract & PL,A,53 525	1,5
X .	CHEMICAL ABSTRACTS, vol. 73, no. 7, 17 August 1970, Columbus, Ohio, US; abstract no. 35231, J. WOLF ET AL. page 316; see abstract & PL,A,59 077	1,5

Y Further documents are listed in the continuation of box C.	Patent family members are listed in annex.
*Special categories of cited documents:  A* document defining the general state of the art which is not considered to be of particular relevance  E* earlier document but published on or after the international filing date  L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  O* document referring to an oral disclosure, use, exhibition or other means  P* document published prior to the international filing date but later than the priority date claimed	<ul> <li>'T' later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</li> <li>'X' document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</li> <li>'Y' document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</li> <li>'&amp;' document member of the same patent family</li> </ul>
Date of the actual completion of the international search  22 November 1995	Date of mailing of the international search report - 4. 12. 95
Name and mailing address of the ISA  European Patent Office, P.B. 5818 Patentiaan 2  NL - 2280 HV Rijswijk  Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  Fax (+31-70) 340-3016	Authorized officer  Seufert, G

Preparation of O-(2-hydroxyalkyl)Oximes

The present invention relates to a process for the preparation of 5 O-(2-hydroxyalkyl)oximes of the general formula I

in which  $R^1$  and  $R^2$  each stand for an alkyl group having from 1 to 10 carbon atoms, or form, together with the carbon atom to which they are attached, a 5-membered to 7-membered cycloalkyl radical, and  $R^3$  denotes an alkyl group having from 1 to 10 carbon atoms.

O-(2-hydroxyalkyl) oximes have great significance as intermediates for plant protectants (cf eg, the prior German Application DE-A 44 15 887).

J. Amer. Chem. Soc., <u>81</u>, pp 4223 to 4225 (1959) and US-A 3,040,097 describe a process for the preparation of O-(2-hydroxy-alkyl)-oximes in which the parent oximes are caused to react with olefin oxides under basic conditions, in particular in the presence of alkali metal bases.

PL-A 53,525 (Chemical Abstracts,  $\underline{68}$ , 491 75d (1968)) reveals that tertiary amines are suitable bases for a similar case.

30 Specially substituted O-hydroxyalkyloximes can be prepare by the reaction of 25 glycol vinyl glycidyl ethers with oximes in the presence of bases such as triethylamine or potassium hydroxide, for example.

35 
$$H_3C$$
  $C = N - OH + CH_2 - O - CH_2 - CH_2 - O - CH = CH_2 base$ 

$$^{\text{OH}}$$
  $^{\text{C}}$   $^{\text$ 

45 (cf. Zh. Org. Khim., <u>23</u>, 1426 to 1429 (1987).

Furthermore, it is well known that it is possible to cause reaction of acetone oxime with ethylene carbonate in toluene in the presence of potassium fluoride to produce O-(2-hydroxy-ethyl)acetone oxime (cf. Amer. Chem. Soc. Symposium Series 443 page 231(1991)).

Furthermore, a process for the preparation of bis[O-(2-hydroxy-ethyl)dimethyl-glyoxime starting from dimethylglyoxime and ethylene carbonate is described in J. Polymer Sci., 10, page 3408 10 (1972).

In accordance with the earlier application EP-A 655,437, aldoximes and ketoximes with unsubstituted or  $C_1$ - $C_8$ -alkyl-substituted ethylene or propylene carbonate can be hydroxyalkylated in the presence of catalytic amounts of an N-alkylated, stable organic base or of pyridine substituted by a secondary amine.

It was the object of the invention to provide a more economical process for the preparation of O-(2-hydroxyalkyl) oximes I.

20

Accordingly, we have found a process for the preparation of O-(2-hydroxyalkyl)-oximes of the formula I, wherein a ketoxime of the formula II

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$$C = N - OH \qquad (II),$$

30 is caused to react with

a) an olefin oxide of the formula III

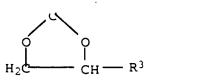
$$H_2 \stackrel{\bigcirc}{\longleftarrow} - GH - R^3 \qquad (III),$$

in the presence of a tertiary amine or

b) a carbonate of the formula IV

0

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(IV),

in the presence of a catalyst.

The reaction of II with a carbonate IV is preferred.

The following literature citations "Houben-Weyl" refer to Houben-15 Weyl, Methoden der Organischen Chemie, 4th ed., Thieme Verlag, Stuttgart.

Preferred process products I are those which can be produced by this process variant those are preferred in which  $R^1$  and  $R^2$  stand 20 for  $c_1$ - $c_4$  alkyl groups and primarily  $c_1$ - $c_3$  alkyl groups or form, together with the carbon atom to which they are attached, a cyclopentyl or cyclohexyl ring, and in particular those in which  $R^1$  and  $R^2$  stand for methyl and/or ethyl or form, together with the carbon atom to which they are attached, cyclohexyl. R3 preferably stands for a  $c_1$ - $c_4$  alkyl group, particularly for ethyl and more particularly for methyl. Most particularly preferred compounds I are those in which  $R^1$ ,  $R^2$  and  $R^3$  stand for methyl.

The ketoximes II are generally known or are obtainable by known 30 methods, for example, by the reaction of the corresponding ketones with hydroxylamine.

The olefin oxides III are also generally known or are obtainable by known methods.

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The carbonates IV are also generally known or can be produced by known methods (cf. eg, EP-A 543,249).

(a) Reaction of ketoximes II with olefin oxides III in the presence of a tertiary amine:

R<sup>1</sup> 
$$C = N - OH + H_2C - GH - R^3$$

III

R<sup>1</sup>  $C = N - O - CH_2 - CH - OH$ 

5

The molar ratio of olefin oxide III to ketoxime II is preferably from 1:1 to 2:1 and in particular from 1.1:1 to 1.3:1.

Suitable tertiary amines, either alone or in the form of a mix
15 ture, are primarily those having aliphatic and/or cycloaliphatic
groups on the N atom such as triethylamine, tri-n-propylamine,
tri-n-butylamine, tri-n-octylamine, tri-n-dodecylamine, N-methyldicyclohexylamine, and N,N-dimethylcyclohexylamine and also
heterocyclic nitrogen bases having from 5 to 10 carbon atoms such
20 as pyridine, 4-(N,N-dimethylamino)pyridine, 1,8-diazabicyclo[5.4.0]undec-7-ene, 1,4-diaza-bicyclo[2.2.2]octane, and
1-methylimidazole.

Preferably, with regard to the fact that the reaction mixture 25 present at the end of the reaction is to be subjected to purification by distillation, a tertiary aliphatic amine is used whose boiling point is between 50° and 250°C and in particular between 80° and 180°C. Triethylamine and N,N-dimethylcyclohexylamine are particularly preferred.

30

The tertiary amine is usually employed in an amount of from 0.5 to 40 mol%, preferably from 0.9 to 10 mol% and more preferably from 1 to 5 mol%, based on the ketoxime II.

35 The reaction can be carried out without the use of solvent or in a suitable solvent or solvent mixture.

Suitable solvents are alkanols such as ethanol and tert-butanol, ethers such as 1,4-dioxane and tetrahydrofuran, ketones such as 40 acetone, esters such as ethyl acetate, nitriles such as acetonitrile, N,N-dialkylamides such as dimethyl formamide and N,N-dimethylacetamide, N-alkylated lactams such as N-methyl-2-pyrrolidone, and N,N-dialkylated cyclic ureas such as N-N-dimethylethylene urea and N,N-dimethylpropylene urea.

Also suitable as solvent is an excess of one of the aforementioned tertiary amines which is in the liquid state at least under the reaction conditions.

5 From a process engineering point of view, those of the aforementioned solvents are preferred, broadly speaking, which have a similar boiling point to that of the amines used and/or form azeotropes with them such that their removal, by distillation, from the crude reaction mixture takes place in a particularly 10 simple manner.

Particularly preferred are the N,N-dialkylamides and N-alkylated lactams, especially dimethylformamide and N-methyl-2-pyrrolidone.

15 There are usually employed from 50 to 500 mL and preferably from 50 to 200 mL of solvent, based on 1 mol of the ketoxime II.

The reaction is carried out at temperatures of from  $40^{\circ}$  to  $130^{\circ}$ C and mostly from  $70^{\circ}$  to  $110^{\circ}$ C and pressures of from 0.5 to 40 bar.

Preferably the process is carried out by placing the ketoxime II and the tertiary amine, optionally in a solvent, in the reactor and metering in the olefin oxide III at the temperature of reaction.

The reaction times are normally from 2 to 24 h but mostly from 4 to 16 h.

- 30 The isolation of the reaction products I takes place by methods known per se, preferably by distillation.
  - (b) Reaction of ketoximes II with carbonates IV in the presence of a catalyst:

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5 
$$R^1$$
  $C = N - OH + H_2 - CH - R^3$ 

Catalyst 
$$R^{1}$$
  $C = N - CH_{2} - CH - CH_{2} + CO_{2}$ 

The molar ratio of carbonate 1V to ketoxime II is usually from 1:1 to 10:1 and in particular from 4:1 to 7:1.

Suitable catalysts, used either alone or in the form of a mix-20 ture, are

- α) alkali metal salts, alkaline earth metal salts, and ammonium salts (NN<sub>4</sub>+), primarily the potassium salts and also the sodium salts' with inorganic or organic anions such as alkali metal halides, hydroxides, carbonates, hydrogen carbonates, alcoholates, and alkali metal salts of organic monocarboxylic acids. By way of example, there may be mentioned potassium fluoride, potassium iodide, potassium hydroxide, potassium carbonate, potassium hydrogen carbonate, potassium methylate, potassium ethylate, potassium tertbutylate, and potassium acetate;
- $\beta$ ) ammonium salts and preferably phosphonium salts having at least one organic group in the cation and containing inorganic or organic anions, primarily the halides, hydrogen carbonates, and acetates of such phosphonium salts in particular those containing three  $c_1-c_4$  alkyl and/or phenyl groups, such as tri-n-butylphosphonium acetate and triphenylphosphonium chloride;
- phosphines having at least one but preferably three c-organic radicals, in particular those selected from the group comprising  $c_1-c_{10}$  alkyl,  $c_6-c_{15}$ -aryl,  $c_6-c_{15}$  alkylaryl, and/or  $c_7-c_{10}$ -arylalkyl, such as, primarily tri-n-butylphosphine and triphenylphosphine; or

δ) tertiary amines, preferably heterocyclics having from one to three N atoms as hetero atoms, such as, primarily, imidazoles, particularly N-(c<sub>1</sub>-c<sub>4</sub> alkyl)imidazoles such as N-methylimidazole, and also triazoles, pyridines, and bicyclic azaheterocyclics such as 1,8-diazabicyclo[5.4.0]undec-7-ene and 1,4-diazabicyclo[2.2.2]octane.

Preferred catalysts are those which are mentioned under  $(\alpha)$  and  $(\delta)$ . Of the  $(\alpha)$  group, the potassium salts are preferably used, 10 especially potassium fluoride or potassium hydrogen carbonate. Of the  $(\delta)$  group, triethylamine is most particularly preferred.

The catalyst, primarily the inorganic alkali metal salts and the alkali metal salts of carboxylic acids, can be bonded to a support, if desired. Examples of suitable supports are aluminum oxide, silica gel, and kieselguhr. The amount of catalyst in these supported catalysts is usually from 10 to 50 wt%.

The catalysts are usually employed in an amount of from 5 to 50 mol%, preferably from 5 to 30 mol%, and more preferably from 5 to 10 mol%, based on the ketoxime II.

The reaction can be carried out in a single, preferably aprotic, organic solvent or in a solvent mixture. However, the process is preferably carried out without the use of a solvent, in which case an excess of the carbonate IV can, in particular, serve as reaction medium.

Suitable solvents are for example alkylbenzenes, such as, in par-30 ticular, toluene and also the xylenes, furthermore dialkylketones such as methyl ethyl ketone, halobenzenes such as chlorobenzene, and ethers such as 1,4-dioxane.

The amount of solvent used is usually from 1 to 9 times and in 35 particular from 2 to 7 times the weight of the ketoxime II. If the amount of solvent exceeds 9 times the weight of the ketoxime II, conversion and yield usually fall.

The reaction is preferably carried out at temperatures of from  $40~80^{\circ}\text{C}$  to  $1~50^{\circ}\text{C}$  and mostly from  $100^{\circ}\text{C}$  to  $140^{\circ}\text{C}$  and pressures of from 0.5 to 1 bar and especially under standard pressure.

The addition of a conventional phase transfer catalyst usually leads to an increase in reaction rate and conversion. However, 45 for simple processing, it is preferred not to use a phase transfer catalyst.

Examples of phase transfer catalysts are quaternary ammonium or phosphonium salts, preferably tetraalkylammonium, tetraalkylphosphonium, trialkylbenzylammonium, or trialkylbenzylphosphonium salts, especially triethylammonium, tributylbenzylammonium, and tetrabutylammonium chlorides, bromides, and hydrogen sulfates, and also tributylhexaphosphonium bromide.

The phase transfer catalyst is usually employed in an amount of from 0.5 to 2 mol% and preferably from 0.7 to 1 mol%, based on 10 the ketoxime II.

The reaction can be carried out batchwise or, preferably, continuously.

15 The reaction times are normally from 8 to 24 h but mostly from 8 to 16 h.

The isolation of the reaction product I takes place by methods known per se, preferably by distillation.

The distillation residues of the crude mixture contain substantially unconverted carbonate JV and the catalyst.

In a preferred embodiment of the process of the invention the 25 process is carried out by replenishing the ketoxime II and the carbonate IV at a rate equal to the rate of consumption thereof, following the destillation of the product I from the reaction mixture, and the reaction is then repeated.

- 30 It has been found that in up to 20 successive reactions carried out in this manner in the same reactor, the yield of the compound I falls inappreciably and the ratio of the isomers I and Ia remains approximately the same.
- 35 The reaction frequently also produces, as by-product, the regioisomeric compound Ia

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$$R^1 = N - O - CH - CH_2 - OH$$
 (Ia)

which is usually obtained in amounts of up to 10 %, based on I.

The two isomeric compounds I and Ia are normally the first overbeads occurring during distillation of the crude product. If de-

**45** heads occurring during distillation of the crude product. If desired, the isomer Ia can be substantially separated from the

compound I by methods known per se, preferably by fractional distillation.

The end products I are important intermediates for crop protec-5 tion agents, especially for herbicides of the cyclohexenone type (cf. DE-A 44 15 887).

Examples

#### 10 Example 1

Preparation of O-(2-hydroxypropyI)propane-2-one oxime (II + III according to  $(\alpha)$ )

- 15 2.92 kg (40 mol) of acetone oxime were dissolved in 5.2 L of dimethyl formamide and admixed with 0.2 kg (2 mol) of triethylamine. This mixture was heated to 70°C in an autoclave well purged with nitrogen gas. Over a period of 4 h, 2.56 kg (44 mol) of propylene oxide were metered in at this temperature, and on
- 20 completion of the addition, the reaction was allowed to continue for a further 3 h at  $70^{\circ}$ C. The autoclave was then depressurized, and unconverted propylene oxide was extensively removed at 200 mbar and  $70^{\circ}$ C, by distillation.
- 25 During purification, by distillation, of the crude mixture with the aid of a column having a length of 50 cm and a diameter of 5 cm and packed with 3 mm V<sub>2</sub>A gauze rings, 2.84 kg of a mixture of O-(2-hydroxypropyl)propane-2-one oxime and O-(2-hydroxy-1-methyl-ethyl)propan-2-one oxime were obtained at 78-81°C/30 mbar of. The 30 percentage isomer ratio I:Ia determined by gas chromatography was 96:4.

Example 2

35 Preparation of O-(2-hydroxybutyl)propan-2-one oxime (II + III according to  $(\alpha)$ )

Example 1 was repeated except that butylene-1 oxide was used instead of propylene oxide. During fractional distillation of the crude product, a mixture of O-(2-hydroxybutyl)propan-2-one oxime and O-(2-hydroxy-1-ethylethyl)propan-2-one oxime was obtained at 80-82°C/20 mbar in a yield of 59 %. The isomer ratio of I:Ia was 96.7:3.3.

Example 3

5

Preparation of O-(2-hydroxypropyl)cyclohexanone oxime (II + III according to  $(\alpha)$ )

Example 1 was repeated starting from cyclohexanone oxime instead of acetone oxime. During fractional distillation of the crude product a mixture of O-(2-hydroxypropyl)cyclohexanone oxime and O-(2-hydroxy-1-methylethyl)cyclohexanone oxime was obtained at 10 74°C/0.2 mbar in a yield of 54 %. The isomer ratio of I:Ia was 96:4.

Example 4

15 Preparation of O-(2-hydroxypropyl)propanone oxime (II + IV according to  $(\beta)$ )

585 g (8 mol) of acetone oxime, 4080g (40 mol) of propylene carbonate, and 80 g (0.8 mol) of potassium hydrogen carbonate in 20 200g of toluene were caused to react for a period of 8 h at 130°C. There followed fractional distillation of the reaction mixture. The fraction of desired product consisting of O-(2-hydroxy-propyl)propane-2-one oxime and O-(2-hydroxy-1-methyl-ethyl)propan-2-one oxime distilled over at 70-75°C/20-30 mbar in 25 a percentage ratio of I:Ia of 92:8.

Following cooling of the distillation residues, toluene, acetone oxime, and propylene carbonate were replenished to the aforementioned quantities and the reaction was then repeated. Following further 10 reactions of the type just described, an average was taken over all 12 reactions. The yield of O-(2-hydroxyalkyl) oximes was found to be 90 % based on acetone oxime.

Example 5

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Preparation of O-(2-hydroxypropyl)propanone oxime (II + IV according to  $(\beta)$ )

centage ratio of I: Ia of 92:8 and in a yield of 89%.

The process was carried out as in Example 4 but without the addi40 tion of toluene. Starting from 344 g (4.7 mol) of acetone oxime,
2420 g (23.5 mol) of propylene carbonate, and 47 g (0.47 mol) of
potassium hydrogen carbonate there was obtained, in a total of 10
reaction cycles carried out, in each case, for a period of 8 h at
130°C, a mixture consisting of O-(2-hydroxypropyl)propane-2-one
45 oxime and O-(2-hydroxy-1-methylethyl)propane-2-one oxime in a per-

Example 6

Preparation of O-(2-hydroxypropyl)propanone oxime (II + IV according to  $(\beta)$ )

5

The process was carried out as in Example 4 but with the addition of 1086 g of toluene. Starting from 585 g (8 mol) of acetone oxime, 2450 g (24 mol) of propylene carbonate, and 80 g (0.8 mol) of potassium hydrogen carbonate there was obtained, in a total of 5 reaction cycles carried out, in each case over a period of 8 h at 125-130°C, a mixture consisting of O-(2-hydroxypropyl)propane-2-one oxime and O-(2-hydroxy-1-methylethyl)propan-2-one oxime in a percentage ratio of I:Ia of 92:8 and at a yield of 89 %.

15

Example 7

Preparation of O-(2-hydroxypropyl)propane-2-one oxime (II + IV according to  $(\beta)$ )

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292.5 g (4.0 mol) of acetone oxime, 2040 g (20 mol) of propylene carbonate and 100 g (1.0 mol) of triethylamine were introduced into a stirred apparatus and stirred at an oil bath temperature of 130°C for 8 hours. After cooling, distillation was carried out (bubble-cap tray column, 60 cm long, 30 mm in diameter). 80 g of triethylamine was recovered. The distillation residue, which consisted to the extent of 90% of unconsumed propylene carbonate, was able to be used for the next reaction with acetone oxime.

30 Yield (b.p. 9 mbar =  $46^{\circ}$ C): 85%.

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We claim:

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 A process for the preparation of O-(2-hydroxyalkyl) oximes of the general formula

$$R^{1}$$
  $C = N - O - CH_{2} - CH - OH$  (I),

in which  $R^1$  and  $R^2$  each stand for an alkyl group having from 1 to 10 carbon atoms or form, together with the carbon atom to which they are attached, a 5-membered to 7-membered cycloalkyl radical, and  $R^3$  denotes an alkyl group having from 1 to 10 carbon atoms, wherein a ketoxime of the general formula II

20 
$$R^1$$
  $C = N - OH$  (II),

is caused to react with

a) an olefin oxide of the general formula III

$$H_2 \stackrel{\bigcirc}{\longleftarrow} - \bigcirc H - R^3 \qquad (III),$$

in the presence of a tertiary amine or

b) a carbonate of the general formula IV

O
$$H_2 \stackrel{\text{CH}}{\longleftarrow} R^3$$

in the presence of a catalyst.

- 2. A process as defined in claim 1, wherein the ketoxime II used is acetone oxime, butanone oxime, or cyclohexanone oxime.
- 3. A process as defined in claim 1, wherein the ketoxime II used5 is acetone oxime.
  - 4. A process as defined in any of claims 1 to 3, wherein the starting material is a compound III or IV in which  $R^3$  denotes methyl.

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- 5. A process as defined in any of claims 1 to 4, wherein triethylamine is used as tertiary amine in process variant (a).
- 6. A process as defined in any of claims 1 to 4, wherein N,N-dimethylcyclohexylamine is used as tertiary amine in process variant (a).
- A process as defined in any of claims 1 to 6, wherein potassium hydrogen carbonate is used as catalyst in process variant (b).
  - 8. A process as defined in any of claims 1 to 6, wherein potassium hydrogen carbonate is used as catalyst in process variant (b).

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- 9. A process as defined in any of claims 1 to 6, wherein a tertiary amine is used as catalyst in process variant (b).
- 10. A process as defined in claim 1, wherein II is reacted with 30 IV without a solvent.

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Preparation of O-(2-Hydroxyalkyl) Oximes

Abstract of the disclosure:

Preparation of O-(2-hydroxyalkyl) oximes of the formula I

10 
$$R^1 \sim C = N - O - CH_2 - CH - OH$$
 (I)

(R<sup>1</sup> and R<sup>2</sup> are alkyl or R<sup>1</sup> and R<sup>2</sup> and the common C atom are 5-membered to 7-membered cycloalkyl; R<sup>3</sup> iS alkyl) by causing a ke15 toxime II to react with an olefin oxide III in the presence of a tertiary amine or with a carbonate IV in the presence of a catalyst.

The end products I are suitable for use as intermediates for crop 20 protection agents.

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C.(Continue	ntion) DOCUMENTS CONSIDERED TO BE RELEVANT	
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US,A,3 965 177 (L. E. KUNTSCHIK ET AL.) 22 June 1976 see column 3, line 31 - column 4, line 43 see column 5, line 6 - line 26	1-6
( .	R. KLAUS ET AL. 'ACS Symposium Series 443, 1991, Chapt. 18, p. 226-235', AMERICAN CHEMICAL SOCIETY, WASHINGTON cited in the application see page 231, scheme 9	1
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Lal Application No
PCT/EP 95/03001

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	From the INTERNATIONAL BUREAU
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NOTIFICATION OF ELECTION (PCT Rule 61.2)	United States Patent and Trademark Office (Box PCT) Washington D.C. 20231 United States of America
Date of mailing:	
15 February 1996 (15.02.96)	in its capacity as elected Office
International application No.: PCT/EP95/03001	Applicant's or agent's file reference: 0050/45073
International filing date: 28 July 1995 (28.07.95)	Priority date: 02 August 1994 (02.08.94)
Applicant: HARREUS, Albrecht et al	
in the demand filed with the International preliminary  15 December 19  in a notice effecting later election filed with the Interna  The election X was  was not  made before the expiration of 19 months from the priority day  Rule 32 2(b)	995 (15.12.95) tional Bureau on:
Rule 32.2(b).	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

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**Patentabteilung** - 6. NOV. 1996

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY **EXAMINATION REPORT** 

(PCT Rule 71.1)

Date of mailing (day/month/year)

**D** 5. 11. 96

plicant's or agent's file reference

PCT/EP 95/03001

0050/45073

IMPORTANT NOTIFICATION

ernational application No.

International filing date (day/month/year)

Priority date (day/month/year)

28/07/1995

02/08/1994

plicant

BASF AKTIENGESELLSCHAFT et al.



The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the

Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/

European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465

Authorized officer

Telephone No.



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0050/45073	FOR FURTHER ACTION	See Notificati Preliminary I	ion of Transmittal of International Examination Report (Form PCT/IPEA/416)			
International application No.	International filing date (day	/month/year)	Priority date (day/month/year)			
	28/07/1995		02/08/1994			
PCT/EP 95/03001 28/07/1995 02/08/1994  nternational Patent Classification (IPC) or national classification and IPC						
	C07C249/12					
Applicant	00/0249/12					
	. a. 1					
BASF AKTIENGESELLSCHAFT	et al.					
<ol> <li>This international preliminary exa Authority and is transmitted to th</li> <li>This REPORT consists of a tota</li> <li>This report is also accompan</li> </ol>	e applicant according to Article  I of sheets, including the ANNEXES, i.e., sheet	e 36.  Ing this cover sheets of the description	et. on, claims and/or drawings which have			
been amended and are the been see Rule 70.16 and Section	been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).					
These annexes consists of a total of sheets.						
3. This report contains indications and corresponding pages relating to the following items:						
IX Basis of the report						
II Priority						
III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability						
IV Lack of unity of inven						
V Reasoned statement un citations and explanati	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
VI Certain documents cite	ed		·			
سے ا						
T						
VIII Certain observations on the international application						
Date of submission of the demand Date of completion of this report						
15/12/1995						
13/12/1373	15/12/1995					
Name and mailing address of the IPEA/ Authorized officer						
European Patent Office			4c-5C			
D-80298 Munich						
Fax: (+49-89) 2399-4465 Telephone No.						



I. Basis of the report



Intern. application No. PCT/EP95/03001

Office in response to an	n up on the basis of (Replacement sheets whinvitation under Article 14 are referred to since they do not contain amendments.):	ich have been furnished to the receiving in this report as "originally filed" and are
[x] the international	application as originally filed.	
Į.	agesages	, filed with the demand,
Ī	ages	, filed with the letter of,
[ ] the claims, Nos	, as	originally filed,
Nos	, as	amended under Article 19,
Nos	, fi	led with the demand,
Nos.	, fi	led with the letter of,

Nos. \_\_\_\_\_\_, filed with the letter of \_\_\_\_\_,

2. The amendments have resulted in the cancellation of:

[ ] the description, pages \_\_\_\_\_\_.

[ ] the claims, Nos. \_\_\_\_\_\_.
[ ] the drawings, sheets/fig \_\_\_\_\_\_.

3. [ ] This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:



#### IV. Lack of unity of invention

- 1. In response to the invitation to restrict or pay additional fees the applicant has:
  - [ ] restricted the claims.
  - [ ] paid additional fees.
  - [ ] paid additional fees under protest.
  - [ ] neither restricted nor paid additional fees.
- 2. [ ] This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
- 3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
  - [ ] complied with.
  - $[\mathbf{x}]$  not complied with for the following reasons:

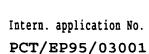
The international preliminary examination report has been drawn up in respect of the entire international application but the international preliminary examining authority is of the opinion that the application does not comply with the requirements of unity of invention as set forth in the PCT regulations (Article 34(3), Rule 68(1) PCT).

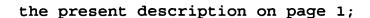
The present process as defined in claim 1 comprises two different "process variants": (a) and (b).

The different reaction principles underlying both process variants are already basically known in the prior art, however.

For variant (a) see

- C.A. vol. 68, 49175 (1968)
- C.A. vol. 73, 35231 (1970)
- US-A 39 65 177 and the corresponding prior art further mentioned in





For variant (b) see
- Am.Chem.Soc., ACS Symposium series 443, page 231
(1991)

and the corresponding prior art further mentioned on page 2 of the description.

Having regard to this prior art, it is not apparent how the process variants claimed in present claim 1 are linked as to form a single general inventive concept as required by Rule 13 PCT.

4.	Consequently, the following parts of the international application were the subject of international prelimina
	examination in establishing this report:
	[x] all parts.

[ ] the parts relating to claims Nos. \_

#### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

STATEMENT			
Novelty (N)	Claims	1-10	YBS
	Claims		ио
Inventive Step (IS)	Claims		YBS
	Claims	1-10	NO
Industrial Applicability (IA)	Claims	1-10	YBS
	Claims		NO

#### 2. CITATIONS AND EXPLANATIONS

- D1 C.A. vol. 68, 49175 (1968) & PL-A 53 525
- D2 C-A. vol. 73, 35231 (1970) & PL-A 59 077
- D3 Am.Chem.Soc. ACS Symposium Series 443, 1991, Chapter 18, p.226-235
- D4 EP-A 655 437
- None of the prepublished documents mentioned in the Int. Search Report discloses the subject-matter of present claim 1 (and claims 2-10); the subject-matter is therefore novel (Art. 33(2) PCT).
   (As for D4, which may become relevant at some stage, see section VI.)
- The present process as defined in present claim 1 in general terms comprises two different "process variants", viz. (a) and (b), which relate to basically known reaction methods: as for variant (a) see D1, D2 and the corresponding further prior art teaching mentioned on page 1 of the



present description; as for variant (B) see D3, page 231, scheme 9.

D3 teaches the addition of acetoneoxime to ethylene carbonate, catalysed by traces of potassium fluoride and tetramethylammonium chloride in refluxing toluene, which reaction is said to be "the simplest and most efficient possibility" to prepare the corresponding oximglycol. The desired product was obtained in a yield of 78,9%. The fact that when using propylene carbonate instead of ethylene carbonate under similar reaction conditions in accordance with the present application the product yields obtained are in the range of 85-90 % (see present examples 4-7) cannot be considered as a "surprising effect" supporting the presence of an inventive step. Moreover, as a rule less reactive reactants show higher selectivity; the selectivity however is proportional to the yield. It is further noted that it has been known to carry out the reaction described in D3 in the absence of a solvent (J.Polym.Sci. Part A-1, 1972,10,3405-19 mentioned in D4, page 1, lines 14-16).

In view of the prior art, it is not apparent how the process variants presently claimed are associated with an inventive step as required by Art. 33(3) PCT. No technical prejudice or obstacle can be seen which would have deterred the skilled person from attempting to produce the desired O-(2-hydroxyalkyl)-oximes of present general formula I by employing the known synthetic methods described in the cited prior art. Moreover, no "surprising effect" associated with the present process variants is recognisable from the application documents. The dependent claims 2-10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step.





Intern. application No. PCT/EP95/03001

#### VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.

Publication date

(day/month/year)

Filing date

(day/month/year)

Priority date (valid claim)

(day/month/year)

EP-A 655 437

31.05.95

16.11.94

25.11.93

Although EP-A 655 437 does not constitute prior art within the meaning of Rule 64.1(b), it appears to disclose all the features of process variant (b) of claim, cf. page 2, line 38 to page 5, line 5.

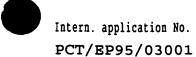
2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure (day/month/year)

Date of written disclosure referring to non-written disclosure (day/month/year)

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT



VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 7 and 8 are identical.

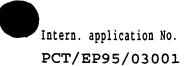
REC'D 0 7 NOV 1996 WIPO PCT

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	T	See Notifica	tion of Transmittal of International			
0050/45073	FOR FURTHER ACTION Preliminary Examination Report (Form PCT/IPEA/416)					
International application No.	International filing date (	day month year)	Priority date (day/month/year)			
PCT/EP 95/ 03001 28/07/1995 02/08/1994						
International Patent Classification (IPC)	or national classification and I	PC				
	C07C249/12					
Applicant						
BASF AKTIENGESELLSCHAFT	et al.					
	<del></del>					
This international preliminary ex Authority and is transmitted to	camination report has been pre the applicant according to Arti	epared by this Inter icle 36.	national Preliminary Examining			
2. This REPORT consists of a to	ital of sheets, inclu	uding this cover she	eet.			
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).						
These annexes consists of a tota	These annexes consists of a total of sheets.					
3. This report contains indications and corresponding pages relating to the following items:						
I $X$ Basis of the report	I X Basis of the report					
II Priority						
Non-establishment of opinion with regard to novelty, inventive step and industrial applicability						
IV Lack of unity of inve	ention					
V Reasoned statement citations and explana	A second and the seco					
VI Certain documents of	ited					
	e international application					
l 🖳	s on the international application	on				
			;			
L						
Date of submission of the demand  Date of completion of this report						
15/12/1995		<b>0</b> 5.	11. 95			
Name and mailing address of the IPEA/	,	Authorized officer				
European Patent Office			4c-5 (			
D-80298 Munich Tel. (+49-89) 2399-0, Tx: 5	23656 epmu d	_	✓ C. Heibl			
Fax: (+49-89) 2399-4465		Telephone No.				
Form PCT/IPEA/409 (cover sheet) (January 1994) (13/03/1996)						

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT



	I.	Basis	of the	report
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1. This report has been drawn up on the basis of (Replacement sh Office in response to an invitation under Article 14 are refe not annexed to the report since they do not contain amendment	erred to in this report as "originally filed" and are
$[\mathbf{x}]$ the international application as originally filed.	
Nos.  [ ] the drawings, sheets/figsheets/figsheets/fig	, as amended under Article 19,, filed with the demand,, filed with the letter of,, as originally filed,, filed with the demand,, filed with the letter of,
2. The amendments have resulted in the cancellation of:  [ ] the description, pages	ndments had not been made, since they have been
considered to go beyond the disclosure as filed (Rule 70 4. Additional observations, if necessary:	).2(c)):



#### IV. Lack of unity of invention

- 1. In response to the invitation to restrict or pay additional fees the applicant has:
  - [ ] restricted the claims.
  - [ ] paid additional fees.
  - [ ] paid additional fees under protest.
  - [ ] neither restricted nor paid additional fees.
- 2. [ ] This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
- 3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
  - [ ] complied with.
  - [x] not complied with for the following reasons:

The international preliminary examination report has been drawn up in respect of the entire international application but the international preliminary examining authority is of the opinion that the application does not comply with the requirements of unity of invention as set forth in the PCT regulations (Article 34(3), Rule 68(1) PCT).

The present process as defined in claim 1 comprises two different "process variants": (a) and (b).

The different reaction principles underlying both process variants are already basically known in the prior art, however.

For variant (a) see

- C.A. vol. 68, 49175 (1968)
- C.A. vol. 73, 35231 (1970)
- US-A 39 65 177 and the corresponding prior art further mentioned in

the present description on page 1;

For variant (b) see
- Am.Chem.Soc., ACS Symposium series 443, page 231
(1991)

and the corresponding prior art further mentioned on page 2 of the description.

Having regard to this prior art, it is not apparent how the process variants claimed in present claim 1 are linked as to form a single general inventive concept as required by Rule 13 PCT.

4.	Consequently,	the	following	parts	of the	international	application	were	the	subject	of	international	preliminary
	examination i	n est	tablishing	this	report:								

$[\mathbf{x}]$	all parts.	
[ ]	the parts relating to claims Nos.	

٧.	Reasoned	statement	under	Article	35(2)	with	regard	to	novelty,	inventive	step	and	industrial	applicability	' <b>;</b>
	citation	s and expla	anation	is suppo	rting	such :	statemer	ıt							
										<del></del>				<del></del>	-

1. STATEMENT		
Novelty (N)	Claims 1-10	YES NO
Inventive Step (IS)	Claims 1-10	
Industrial Applicability (IA)	Claims 1-10	YBS NO

#### 2. CITATIONS AND EXPLANATIONS

- D1 C.A. vol. 68, 49175 (1968) & PL-A 53 525
- D2 C-A. vol. 73, 35231 (1970) & PL-A 59 077
- D3 Am.Chem.Soc. ACS Symposium Series 443, 1991, Chapter 18, p.226-235
- D4 EP-A 655 437
- None of the prepublished documents mentioned in the Int. Search Report discloses the subject-matter of present claim 1 (and claims 2-10); the subject-matter is therefore novel (Art. 33(2) PCT).
   (As for D4, which may become relevant at some stage, see section VI.)
- The present process as defined in present claim 1 in general terms comprises two different "process variants", viz. (a) and (b), which relate to basically known reaction methods: as for variant (a) see D1, D2 and the corresponding further prior art teaching mentioned on page 1 of the



present description; as for variant (B) see D3, page 231, scheme 9.

D3 teaches the addition of acetoneoxime to ethylene carbonate, catalysed by traces of potassium fluoride and tetramethylammonium chloride in refluxing toluene, which reaction is said to be "the simplest and most efficient possibility" to prepare the corresponding oximglycol. The desired product was obtained in a yield of 78,9%. The fact that when using propylene carbonate instead of ethylene carbonate under similar reaction conditions in accordance with the present application the product yields obtained are in the range of 85-90 % (see present examples 4-7) cannot be considered as a "surprising effect" supporting the presence of an inventive step. Moreover, as a rule less reactive reactants show higher selectivity; the selectivity however is proportional to the yield. It is further noted that it has been known to carry out the reaction described in D3 in the absence of a solvent (J.Polym.Sci. Part A-1, 1972,10,3405-19 mentioned in D4, page 1, lines 14-16).

In view of the prior art, it is not apparent how the process variants presently claimed are associated with an inventive step as required by Art. 33(3) PCT. No technical prejudice or obstacle can be seen which would have deterred the skilled person from attempting to produce the desired O-(2-hydroxyalkyl)-oximes of present general formula I by employing the known synthetic methods described in the cited prior art. Moreover, no "surprising effect" associated with the present process variants is recognisable from the application documents. The dependent claims 2-10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step.

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

VI.	Certain	documents	cited
	<del></del>		

1. Certain published documents (Rule 70.10)

Application No. Patent No.

Publication date (day/month/year)

Filing date (day/month/year) Priority date (valid claim) (day/month/year)

EP-A 655 437 31.05.95

16.11.94

25.11.93

Although EP-A 655 437 does not constitute prior art within the meaning of Rule 64.1(b), it appears to disclose all the features of process variant (b) of claim, cf. page 2, line 38 to page 5, line 5.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure (day/month/year)

Date of written disclosure referring to non-written disclosure (day/month/year)

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Intern. application No. PCT/EP95/03001

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 7 and 8 are identical.

á:



**PCT** 

# INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER see Notifica	ution of Transmittal of International Search Report
0050/45073	ACTION (Form PCI	(ISA/220) as well as, where applicable, item 5 below.
International application No.	International filing date( day/month/yea	(Earliest) Priority Date (day/month/year)
PCT/EP 95/03001	- 28/07/95	. ,
Applicant		02/08/94
BASF AKTIENGESELLSCHAFT et	al.	
This international search report has been according to Article 18. A copy is being tr	prepared by this International Searching ansmitted to the International Bureau.	Authority and is transmitted to the applicant
This international search report consists of X It is also accompanied by a copy	f a total of 3 sheets.  of each prior art document cited in this	report.
1. Certain claims were found unsearch	chable (see Box I).	
2. Unity of invention is lacking (see	Box II).	
3. The international application continternational search was carried o	ains disclosure of a nucleotide and/or am ut on the basis of the sequence listing	ino acid sequence listing and the
	vith the international application.	
furnis	hed by the applicant separately from the	international application,
L_	but not accompanied by a statement t matter going beyond the disclosure in	o the effect that it did not include the international application as filed.
Transc	ribed by this Authority	·
4. With regard to the title, X the tex	t is approved as submitted by the applicate	ant
	t has been established by this Authority	
5. With regard to the abstract,	. <del> </del>	
the text	t is approved as submitted by the applica has been established, according to Rule . The applicant may, within one month freport, submit comments to this Authori	38.2(b), by this Authority as it appears in
. The figure of the drawings to be publishe	d with the abstract is:	
	ested by the applicant.	None of the figures.
because	the applicant failed to suggest a figure.	_
	this figure better characterizes the inven-	

# INTERNATIONAL SEARCH REPORT

International plication No 5/03001 PCT/E

A. CLASSII	CO7C249/1	BJECT	MATTER
IPC 6		2	C07C251/54
	<b>.</b> ₩	.1	

According to International Patent Classification (IPC) or to both national classification and IPC

#### **B. FIELDS SEARCHED**

 $\begin{array}{ll} \mbox{Minimum documentation searched (classification system followed by classification symbols)} \\ \mbox{IPC 6} & \mbox{C07C} \end{array}$ 

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

Category *		Relevant to claim No.
	Citation of document, with indication, where appropriate, of the relevant passages	
X	CHEMICAL ABSTRACTS, vol. 68, no. 11, 11 March 1968, Columbus, Ohio, US; abstract no. 49175, J. WOLF ET AL. page 4747; cited in the application see abstract & PL,A,53 525	1,5
х	CHEMICAL ABSTRACTS, vol. 73, no. 7, 17 August 1970, Columbus, Ohio, US; abstract no. 35231, J. WOLF ET AL. page 316; see abstract & PL,A,59 077	1,5

X Taraca documents at the second	<u> </u>
* Special categories of cited documents:  A* document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
<ul> <li>'E' earlier document but published on or after the international filing date</li> <li>'L' document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</li> <li>'O' document referring to an oral disclosure, use, exhibition or other means</li> <li>'P' document published prior to the international filing date but later than the priority date claimed</li> </ul>	<ul> <li>'X' document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</li> <li>'Y' document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</li> <li>'&amp;' document member of the same patent family</li> </ul>
Date of the actual completion of the international search  22 November 1995	Date of mailing of the international search report
Name and mailing address of the ISA  European Patent Office, P.B. 5818 Patentlaan 2  NL - 2280 HV Rijswijk  Tel. (+ 31-70) 340-2040, Tx. 31 651 epo nl,  Fax: (+ 31-70) 340-3016	Authorized officer Seufert, G

Form PCT/ISA/210 (second sheet) (July 1992)

1

Y Further documents are listed in the continuation of box C.

X Patent family members are listed in annex.

# INTERNATIONAL SEARCH REPORT

International polication No PCT/E, 5/03001

2.		PCT/ER_5/03001
C.(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
<b>A</b>	US,A,3 965 177 (L. E. KUNTSCHIK ET AL.) 22 June 1976 see column 3, line 31 - column 4, line 43 see column 5, line 6 - line 26	1-6
(	R. KLAUS ET AL. 'ACS Symposium Series 443, 1991, Chapt. 18, p. 226-235', AMERICAN CHEMICAL SOCIETY, WASHINGTON cited in the application see page 231, scheme 9	1
P,X	EP,A,O 655 437 (CIBA-GEIGY) 31 May 1995 cited in the application	
	•	

# INTERNATIONAL SEARCH REPORT

Informa patent family members

Internation polication No PCT/Ex\_/5/03001

Patent document cited in search report	Publication date	Patent memb		Publication date	
PL-A-53525		NONE			
PL-A-59077	÷	NONE			
US-A-3965177	22-06-76	NONE			
EP-A-0655437	31-05-95	CA-A- JP-A- US-A-	2136497 7188142 5434306	26-05-95 25-07-95 18-07-95	